



Reply to
Attn. of:

SP 95-09
CACFP-427

APR 20 1995

Subject:

Automatic Eligibility for Free Meals/Milk in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP) and Child and Adult Care Food Program (CACFP) for Participants in the Head Start Program

To:

STATE AGENCY DIRECTORS
(Child Nutrition Programs)

- Colorado ED, Colorado DH, Iowa, Kansas,
Missouri ED, Missouri DH, Montana OPI,
Montana DHES, Nebraska ED, North Dakota,
South Dakota, Utah, Wyoming ED

The Healthy Meals for Healthy Americans Act of 1994 (Public Law 103-448), enacted November 2, 1994, amended section 9(b)(6) and section 17(c) of the National School Lunch Act (NSLA) to make children who are enrolled in the Head Start Program on the basis of Head Start's low-income criteria automatically eligible for free meal benefits in the NSLP, the SBP, and the CACFP without further application or eligibility determination. Since the provisions of section 9 of the NSLA are extended to the SMP, the provisions of this policy memorandum apply to the SMP as well. This policy memorandum describes the Head Start Program and specifies the conditions for implementation of this provision.

Head Start Program

The Head Start Program, administered by the U.S. Department of Health and Human Services, is a national program providing comprehensive child development services to low-income children and their families. The number of children (slots) which the Head Start grantee is to serve, as indicated on the grant award, is termed the "funded enrollment". Although many States fund additional Head Start slots in order to expand program access, these slots are not part of the Head Start Program authorized under the Head Start Act.

Head Start Program regulations (45 CFR §1305.4) require that at least 90 percent of the children who are enrolled in each Head Start Program must be from low-income families. Up to 10 percent of the children enrolled may be from families that exceed the low-income guidelines.

A low-income family is defined in 45 CFR §1305.2 as "a family whose total annual income before taxes is equal to, or less than, the income guidelines. For the purposes of eligibility, a child from a family that is receiving public assistance or a child in foster care is eligible even if the family income exceeds the income guidelines." The term "income guidelines" means 100 percent of the Federal poverty guidelines, which are adjusted for family size and to reflect annual changes in the Consumer Price Index.

During the initial enrollment, applicant families must submit an application which identifies income information. For income-eligible applicants, a Head Start employee signs a statement identifying the documents examined and stating that the child is income eligible to participate in the program. If a child has been found income eligible and is participating in a Head Start Program, he or she remains income eligible through that enrollment year and the immediately succeeding enrollment year.

Generally, each child enrolled in a Head Start Program must be allowed to remain in Head Start until kindergarten or first grade is available. However, 45 CFR §1305.7 does allow a Head Start Program to choose not to enroll a child where there are compelling reasons for the child not to remain in Head Start, such as when there is a change in the child's family income and there is a child with a greater need for Head Start services.

NSLA Provisions for Automatic Eligibility for Free Meals

Sections 9(b) and 17(c)(5) of the NSLA state that a child shall be considered automatically eligible for free breakfasts and lunches under the SBP and the NSLP and for benefits under the CACFP without further application or eligibility determination, if the child is "...enrolled as a participant in a Head Start Program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A))."

The statutory language sets forth two conditions regarding the implementation of the automatic eligibility for free meals provision for Head Start participants. First, the child must be enrolled as a participant in the Head Start Program under the Head Start Act; i.e., the children must be part of Head Start's "funded enrollment". Under Head Start Program regulations (45 CFR §1305.2), "enrollment" means the official acceptance of a family by a Head Start Program and the completion of all procedures necessary for a child and family to begin receiving services.

Second, the child must be determined to be a member of a family that meets the low-income criteria prescribed under the Head Start Act. Such a determination is made by the Head Start grantee based on the low-income criteria specified in 45 CFR §1305.2 of the Head Start Program regulations, (i.e., the household is at or below 100 percent of the Federal poverty guidelines or based on receipt of public assistance or foster care). Children who participate in Head Start but who are not determined to be income eligible or who participate in a State-funded Head Start Program, need to complete a free and reduced price application in order to be considered eligible for free or reduced price meals.

In order to facilitate implementation of this provision, the following applies:

- Documentation for Head Start Enrollees - In order to minimize the paperwork burden, the Head Start statement of income eligibility issued upon initial enrollment in the Head Start Program constitutes sufficient documentation of automatic eligibility for free meals for the period of time the child is enrolled as an income-eligible Head Start participant.

If the statement is readily available to the official(s) designated by the school food authority/institution to determine eligibility for free meals, no further action is necessary.

In those cases where the statement is not readily available, (e.g., "wrap around" programs where the food service and the Head Start Program are administered by separate entities), the NSLP, SBP, SMP, and CACFP determining official must obtain documentation of the Head Start participants' income eligibility in order to confer automatic eligibility for free meals. Such documentation may be as simple as a list of the names of the income-eligible Head Start participants and a statement certifying that those children are currently enrolled as participants in the Head Start Program based on a determination that the children are from families that meet the low-income criteria prescribed under the Head Start Act. The documentation must also include the signature or facsimile of a Head Start employee authorized to provide the certification on behalf of the Head Start office, as appropriate, and the date.

- Annual Update for NSLP, SBP, SMP, and CACFP - At the beginning of each year, the determining official must establish whether each child meets or continues to meet the conditions for automatic eligibility.
- Providing a Free and Reduced Price Application - If Head Start participants are not automatically eligible for free meals because their income exceeds the Head Start Program standards or because they participate in a State-funded Head Start Program, the child's family must be provided a free and reduced price application so that they may establish eligibility for free and reduced price benefits in the NSLP, SBP and the CACFP. Instructions on how to apply for free and reduced price benefits must be provided.
- Verification of Eligibility - Verification of eligibility is not required for those children who have been determined eligible for free meals for the NSLP and the SBP based on documentation obtained from Head Start.

- Special Milk Program - Since the provisions of section 9 of the NSLA are extended to the SMP, children from low-income families, as defined by the Head Start Act, who are enrolled in the Head Start Program must also be considered automatically eligible for free milk under the SMP when the school or institution has elected to serve free milk to eligible children.
- Effective Date - By statute, this provision is not effective until September 25, 1995. For the transition period; i.e., the period of time between issuance of this memorandum through September 24, 1995, the following applies:
 - NSLP, SBP, and SMP - School food authorities which provide meals/milk to Head Start participants in the NSLP, SBP, SMP shall claim such meals/milk as paid meals/milk unless such meals/milk are served to children determined eligible for free or reduced price meals/milk through an individual application process.

School food authorities may extend School Year 1994-1995 free and reduced price meal/milk eligibility determinations through September 24th for all Head Start re-enrollees.
 - CACFP - School food authorities/institutions which provide meals to Head Start participants in the CACFP shall claim such meals as follows:
 - For school food authorities/institutions which take actual meal counts in accordance with §226.9(b)(1), claim all meals as paid meals unless such meals are served to children determined eligible for free or reduced price meals through an individual application process.

School food authorities/institutions may extend any free and reduced price meal eligibility determinations that expire during the transition period through September 24th for Head Start re-enrollees.
 - For school food authorities/institutions that claim meals based on claiming percentages or blended rates in accordance with §226.9(b)(2) and (b)(3), claim all meals for the transition period using the most recent Fiscal Year (FY) 1995 enrollment percentages as reported to the State Agency. For FY 1996, the claiming percentages/blended rates shall take into account the automatic eligibility provision set forth in this memorandum.

- Record Retention - The Head Start statement of income eligibility and, if applicable, the list of eligibles, must be maintained on file and readily available for review by the U.S. Department of Agriculture, the State Agency, or other appropriate agencies for a minimum of 3 years from the end of the fiscal year to which the information applies or as otherwise specified in program regulations.

If you have further questions, please contact us.

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